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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

23

Application Number 10/574,205
Filing Date 31 March 2008
First Named Inventor David Roy Winterbottom
Art Unit n/a
Examiner Name n/a
Attorney Docket Number MC1-8105

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ENCLOSURES (Check all that apply)


- | | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input checked="" type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input checked="" type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
PTO-2038 |
|--|---|--|

Remarks

Preliminary amendment to remove multiple dependencies.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

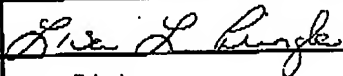
Firm Name Tarolli, Sundheim, Covell & Tummino LLP
 Signature 
 Printed name Christopher P. Harris
 Date 25 April 2007

Reg. No. 43,660

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: VIA FACSIMILE TO USPTO @ (571) 273-8300

Signature



Typed or printed name

Lisa L. Pringle

Date 25 April 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FORM 5-1

Practitioner's Docket No. MC1-8105

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Winterbottom, et al.

Serial No.: 10/574,205 Group No.: n/a
Filed: 31 March 2006 Examiner: n/a
For: Biometric Hologram Based Data Verification Methods and Apparatus

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMPLETION OF FILING REQUIREMENTS
- NONPROVISIONAL APPLICATION

(check and complete this item, if applicable)

- ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed 26 February 2007.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING



deposited with the United States Postal Services with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date:

25 April 2007

FACSIMILE



transmitted by facsimile to the Patent and Trademark Office.

Signature

Lisa L. Pringle

Lisa L. Pringle

(type or print name of person certifying)

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 1 of 6)

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FORM 5-1

DECLARATION OR OATH

APR 25 2007

- II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE:

If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 CFR § 1.49(f)(1).

OR

- ☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE:

For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE:

Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) serial number (2) attorney docket number which was on the application as filed and the filing date (3) title of the invention and filing date (4) title of invention and reference to a specification which is attached to the declaration at the time of execution and filed with the declaration or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration. If identification (4) is used it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date; such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

NOTE:

Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELING CLAIMS

- III. ☒ Cancel claims 1-37 inclusive.
☒ Preliminary amendment enclosed.

TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS

- IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE:

For fee processing a non-English application, complete item VI(5) below.

NOTE:

A non-English oath or declaration in the form provided by the PTO need not be translated. 37 CFR 1.69(b).

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 2 of 6)

FORM 5-1

SMALL ENTITY STATUS

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- V ☒ A statement that this filing is by a small entity
(check and complete applicable items)
- ☐ is attached.
- ☐ A separate refund request accompanies this paper.
- ☒ was filed on 31 March 2006 (original).

COMPLETION FEES

VI. **WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53.

NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 CFR 1.28(e).

Filing Fee

- ☐ original patent application
(37 CFR 1.16(a) - \$770.00; Small entity - \$385.00) \$ _____
- ☐ design application
(37 CFR 1.16(F) - \$340.00; small entity - \$170.00) \$ _____

Fees for claims

- ☒ each independent claim in excess of 3
(37 CFR 1.16(b) - \$200.00; small entity - \$100.00) \$700.00
- ☒ each claim in excess of 20
(37 CFR 1.16(c) - \$50.00; small entity - \$25.00) \$450.00
- ☐ multiple dependent claim(s)
(37 CFR 1.16(d) - \$290.00; small entity - \$145.00) \$ _____

04/27/2007 JRALINAW 00000097 10574205

01-FC-0421

02-FC-2614

03-FC-2615

04-FC-2616

40.00 OP
700.00 OP
450.00 OP
65.00 OP

3. Surcharge fees

- ☐ late payment of filing fee

and/or

- ☒ late filing of original declaration or oath
(37 CFR 1.16(e) - \$130.00; small entity - \$65.00); \$65.00

NOTE: Even when a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 CFR 1.16(e).

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 3 of 6)

FORM 5-1

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- 4 ☐ Petition and fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(i) and 1.47 - \$130.00) \$ _____
- 5 ☐ Fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d) - \$130.00) \$ _____
- 6 ☐ Fee for processing and retention of application (37 CFR 1.21(i) and 1.53(d) - \$130.00) \$ _____
- 7 ☒ Assignment (see "ASSIGNMENT COVER SHEET".) \$40.00

NOTE: 37 CFR 1.21(i) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(f) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(i) within 1 year of notification under § 1.53(f) must be paid.

Total completion fees \$1,255.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 CFR 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$ 1020.00	\$510.00
<input type="checkbox"/> four months	\$15900.00	\$795.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for ___ month(s) has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 4 of 8)

FORM 5-1

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TOTAL FEE DUE

VII.

The total fee due is

Completion fee(s)

\$1,255.00

Extension fee (if any)

\$ _____

PAYMENT OF FEES

IX.

☒ Charge Credit Card (PTO-2038 enclosed) in the amount of \$1,255.00☐ Charge Account No. _____ in the amount of \$ _____
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

Please charge Account No. _____ for any fees that may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING:

accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

NOTE:

*Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account.: 37 CFR § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 20-0090.

- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE:

Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO the charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☒ 37 CFR §§ 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
☐ 37 CFR 1.17 (application processing fees)

NOTE:

*A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission. *37 CFR § 1.136(a)(3).

(Completion of Filing Requirements - Nonprovisional Application [5-1] - page 5 of 6)

FORM 5-1

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

NOTE:

When an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE:

37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, or at the time of paying...issue fee..." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.


SIGNATURE OF PRACTITIONER

Christopher P. Harris
(type or print name of practitioner)

REG. NO. 43,660

TEL. No.: (216)621-2234

Tarolli, Sundheim, Covell & Tummino LLP
1300 East Ninth Street
Suite 1700
Cleveland, OH 44114

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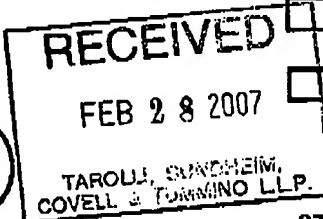
UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,205	David Winterbottom	MC1-8105

Christopher P. Harris
Tarolli, Sundheim, Covell & Tummino
1300 East Ninth Street
Suite 1700
Cleveland, OH 44114



INTERNATIONAL APPLICATION NO.	
PCT/GB04/50014	
LA. FILING DATE	PRIORITY DATE
10/01/2004	10/01/2003

CONFIRMATION NO. 5560

371 FORMALITIES LETTER

OC000000022608954

MC1-8105
CPH

Date Mailed: 02/26/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006
- Request for Immediate Examination filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Priority Documents filed on 03/31/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$2710 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$2820 for a Large Entity:

FILE NO: MC1-8105 ATTY: CPH
DUE DATE: 04-20-2007 (20070428)
MARKS & CLERK / INIT: (20070226)

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 2710
 - \$1000 for 5 independent claims over 3.
 - \$1350 for ~~27~~ total claims over 20. **18 (total is 38)**
 - \$360 for multiple dependent claim surcharge.

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(A previous payment of \$20 will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,205	PCT/GB04/50014	MC1-8105

FORM PCT/DO/EQ/905 (371 Formalities Notice)